

TUITION EQUITY IN OREGON: ENSURING THAT ALL STUDENTS CAN SUCCEED AND CONTRIBUTE

Issue Summary Tuition equity is a term used to describe the provision of in-state tuition to students who are technically “undocumented” based on their parents’ legal residency status. Many of these students have attended some or all of their K-12 education in the U.S., but due to the status of their parents, must pay out-of-state tuition at Oregon University System campuses.

Tuition Equity legislation would allow some of these students, who have attended an Oregon K-12 school for a certain period of time, to pay in-state tuition, earn a degree, seek legal status, and be able to contribute fully as Oregon taxpayers and citizens.

Oregon Legislation While no formal bill has yet been filed, it is expected that there will be a new bill in the 2013 Legislative Session on tuition equity. In the 2011 Session, Senate Bill 742, which passed the Senate but was not brought for a vote in the House, provided that, “certain students are entitled to exemption from nonresident tuition and fees at state institutions of higher education” and “allows for direct review of challenge to law by the Oregon Supreme Court.” The bill stated that undocumented students would be eligible for in-state tuition at an OUS institution if the student attended an elementary or secondary school in Oregon for at least three years before getting a diploma, or equivalent, or leaving school, and intended to become a citizen or lawful permanent resident of the United States. A student would continue to qualify for in-state tuition for a maximum of five years after initial enrollment. In 2011, SB 742 was sponsored by Senators Bonamici, Dingfelder, Edwards, Monroe, Morse, Nelson, Shields, and Thomsen; and by Representatives Buckley, Dembrow, Gelser, Harker, Jenson, Johnson, Komp, and Kotek.

Support for Tuition Equity For several biennia, the Oregon Student Association has sought legislation on tuition equity. On March 4, 2011, the State Board of Higher Education unanimously endorsed SB 742 and asked the Oregon Legislature to support the adoption of tuition equity in Oregon. Previously, in May 2010, the State Board of Higher Education approved a resolution related to the national DREAM Act (see side bar), to ensure a strong future workforce and economy, and to support students who have succeeded in their secondary education in Oregon, often with distinction, and who will contribute to Oregon’s communities in the years to come.

National and States’ Effort

There is legislation at the national level for Tuition Equity called the DREAM Act, which was voted on in 2011 but did not receive approval. The DREAM Act (Development, Relief, and Education for Alien Minors) is bipartisan legislation to clear up the immigration status of and address federal barriers to education and work confronted by the U.S.-raised children of undocumented immigrants. A growing number of states have passed a version of Tuition Equity legislation, including Washington, Texas, Utah, New Mexico, Oklahoma, Nebraska, Illinois, New York and California; and there are several other states that have bills related to Tuition Equity pending in their legislatures.

President Obama’s recent 2012 Executive Order to temporarily allow eligible immigrants to apply for work permits and get a two-year deportation deferral for a period may help some students in Oregon, but it does not address in-state tuition for undocumented students. The Oregon Legislature still needs to pass legislation to allow for this.

Proponents of Tuition Equity believe that graduates of Oregon high schools who are undocumented students should have the opportunity to attend an Oregon public university to continue their education. Many of these students have worked very hard to earn a diploma, some performing at the highest levels, and deserve a chance to go to college, while showing intent to work towards gaining a legal status.

Financial Aid for Undocumented Students Even if undocumented students are able to pay in-state tuition, they will not necessarily be able to afford to attend an OUS institution because they are not eligible for state or federal financial aid, such as the Oregon Opportunity Grant and Pell Grants, since they are not U.S. citizens or permanent residents. But eliminating the hurdle of having to pay out-of-state tuition would be a major step toward helping undocumented students gain access to a higher education and to a legal status.

Estimated Use of Tuition Equity It is difficult to quantify how many students would take advantage of the changes brought about by the passage of a tuition equity bill. From information provided by states that allow undocumented students to pay resident tuition under certain circumstances, the number of students using the program has not been large – from “a handful” to a few hundred.

The OUS fiscal impact for 2011-13 of Tuition Equity, should it pass, has been estimated to be a net revenue gain of \$23,490 (assuming an increase of 3 students); and for 2013-15 a net revenue gain of \$608,013 (assuming an increase of 72 students). The 2013-15 figures represent an enrollment of fewer than 15 students per campus and, thus, no additional faculty would need to be hired to handle these increases. This also assumes that none of these students currently attend an OUS institution and pay non-resident rates (range used for this estimate is from \$18,981 to \$25,830 a year).